

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

NOTICE OF MOTION
PURSUANT TO RULE 16
OF THE FCCR
07 CR 405 (GEL)

Hasim Mitchell

Defendant

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PLEASE TAKE NOTICE, that Hasim Mitchell, will move on October 25, 2007 or as soon as counsel can be heard for an order by the Court:

Directing the government to supply discovery.

Dated: New York, New York
October 11, 2007


MICHAEL HURWITZ, ESQ.-3306
Attorney for Defendant
299 Broadway, Suite 800
New York, NY 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

Omnibus Motion
07 CR 405 (GEL)

HASIM MITCHELL

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I am the attorney for Hasim Mitchell in connection with the above-referenced matter. In accordance with the guarantees of the Fourth, Fifth, and Sixth Amendments to the United States Constitution, especially expressed in Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), and United States v. Agurs, 427 U.S. 97 (1976), and pursuant to the provisions of the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and 18 U.S.C. §§ 2510-2520, 3500 and 3504, and such Local Rules as may be applicable, we make the following requests for discovery, inspection and copying:

I. Pursuant to Rule 16, please produce for viewing the following:

1. The items seized for Mr. Mitchell on the date of his arrest
2. The clothes the defendant was wearing on the date of his arrest

II. Please provide the following:

- voucher reports of all items seized from Mr. Mitchell
- color copy arrest photos of the defendant on the date of his arrest.

Dated: New York, New York
October 11, 2007


MICHAEL HURWITZ, ESQ.-3306
Attorney for Defendant
299 Broadway, Suite 800
New York, NY 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

Affirmation
07 CR 405 (GEL)

HASIM MITCHELL

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MICHAEL HURWITZ, ESQ., an attorney duly admitted to the practice of law before the Bar of this Court and this State, affirms, under the penalties of perjury, that the following facts, upon information and belief, are true. The sources of your affirmant's information and basis of his belief are the Court records, the records on file in my office, and conversations had with the defendant, and the Assistant United States Attorney assigned to prosecute this case.

I submit this affirmation in support of defendant's motion for discovery pursuant to Rule 16:

Under Indictment 07 CR 405, the Grand Jury of the Southern District of New York charged the defendant, HASIM MITCHELL, in a one count indictment with a violation of §18 U.S.C., § 922 (g)(1), a felon in possession of a weapon.

Mr. Mitchell was arrested on April 7, 2007, in the County of the Bronx at approximately 8 p.m.

The Bronx Criminal Court Complaint alleged that the deponent, Police Officer Jonathon Korabel, observed the defendant carrying a loaded pistol in his waistband.

On September 12, 2007, a motion was filed to suppress evidence. On September 18, 2007, counsel by letter asked the Government for the items requested in this motion. Counsel has not received any of the requested discovery to date. A hearing is scheduled for October 31, 2007.

The requested discovery is necessary in order to properly prepare for the motion to suppress evidence.

Dated: New York, New York
 October 11, 2007


MICHAEL HURWITZ